IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATIONS Nos. 1491 & 12869 of 2000

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT VIDYAPITH THROUGH REGISTRAR

Versus

DASHRATHLAL AMBALAL PATEL

Appearance:

1. Special Civil Application No. 1491 of 2000

MR GM JOSHI for Petitioner No. 1

MR BA VAISHNAV for Respondent No. 1

MR PR ABICHANDANI A.G.P for Respondent No. 2

..... for Respondent No. 3

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 28/03/2002

ORAL JUDGEMENT

Heard the learned advocates. Leave to delete respondent No.3. Rule returnable today. Mr.Vaishnav appears for and waives service of rule on behalf of

respondent No.1. Mr.Pitamber Abichandani appears for and waives service of rule on behalf of respondent No.2.

Both these petitions involve identical questions. With the consent of learned advocates both the petitions are heard and finally disposed of today under this common order.

The petitioner Gujarat Vidyapith challenges the common order dated 20th September, 1999 made by the learned Gujarat University Services Tribunal below application Exh.22 in applications Nos.39/98 and 40/98 preferred by the respondent No.1 herein before the said Tribunal. Pending the above applications, the applicants therein had filed a common application Exh.22 for production of certain documents. Under the impugned order the said application is allowed. The petitioner Vidyapith is directed to produce certain documents on the records of the matter.

Admittedly, the application Exh.22 had not been served upon the petitioner Vidyapith nor it was given opportunity to oppose the same. The said application was heard in absence of the Vidyapith. The impugned order is thus made in violation of principles of natural justice and fair play. The same, therefore, requires to be quashed and set aside.

In the result, the petitions are allowed. The impugned order dated 20th September, 1999 passed below application Exh.22 in Applications Nos.39/98 and 40/98 is quashed and set aside. The application Exh.22 is remanded to the learned Tribunal for hearing and decision afresh after giving due opportunity to all the parties. Rule issued in each of these petitions is made absolute. There shall be no order as to cost. The Registry is directed to maintain copy of this order in both these petitions.

[Ms.R.M. Doshit, J.]

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